

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DIGNA RUIZ, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

Citibank, N.A.,

Defendant

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: **Civ. A. No. 10-cv-5950 (KPF) (RLE)**
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FREDERICK WINFIELD, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

Citibank, N.A.,

Defendant

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: **Civ. A. No. 10-cv-7304 (KPF) (RLE)**
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DECLARATION OF THOMAS A. LINTHORST

I, Thomas A. Linthorst, declare the following:

1. I am an attorney with the law firm of Morgan, Lewis & Bockius LLP, counsel for Defendant Citibank, N.A. in the above-captioned lawsuits. I have personal knowledge of the statements made in this Declaration.

2. Of all the Plaintiffs and Opt-ins, only the five named Plaintiffs and Opt-in Dara Ho filed opt-in forms prior to the end of 2010, so only those six individuals potentially have viable, non-time barred Fair Labor Standards Act claims going back to 2007. *See Ruiz* Dkt. 1, 5; *Winfield* Dkt. 1-2.

3. Citibank has produced all of the audit logs, alarm records, and time edit reports that could be located for the Opt-Ins who participated in discovery, which totaled over 115,000 pages.

4. Attached hereto as Exhibit 89 is a true and correct copy of excerpts of the deposition transcript of Jeffrey Adler, taken on November 6, 2013.

5. Attached hereto as Exhibit 90 is a true and correct copy of excerpts of the deposition transcript of Craig Ash taken on October 15, 2013.
6. Attached hereto as Exhibit 91 is a true and correct copy of excerpts of the deposition transcript of Siobahn Bodt taken on November 8, 2013.
7. Attached hereto as Exhibit 92 is a true and correct copy of excerpts of the deposition transcript of Monica Burgos, taken on April 3, 2014.
8. Attached hereto as Exhibit 93 is a true and correct copy of excerpts of the deposition transcript of Edgardo Carreno taken on November 12, 2013.
9. Attached hereto as Exhibit 94 is a true and correct copy of excerpts of the deposition transcript of Lisa Deloney, taken on October 18, 2013.
10. Attached hereto as Exhibit 95 is a true and correct copy of excerpts of the deposition transcript of Bernadette M. Foley, taken on October 21, 2013.
11. Attached hereto as Exhibit 96 is a true and correct copy of excerpts of the deposition transcript of James R. Hurler taken on January 24, 2014.
12. Attached hereto as Exhibit 97 is a true and correct copy of excerpts of the deposition transcript of Frantz Jeudy, taken on January 13, 2014.
13. Attached hereto as Exhibit 98 is a true and correct copy of excerpts of the deposition transcript of Thomas Kenney, taken on November 13, 2013.
14. Attached hereto as Exhibit 99 is a true and correct copy of excerpts of the deposition transcript of Renata Kosiba taken on December 2, 2013.
15. Attached hereto as Exhibit 100 is a true and correct copy of excerpts of the deposition transcript of Anthony F. Lewis, taken on November 18, 2013.
16. Attached hereto as Exhibit 101 is a true and correct copy of excerpts of the deposition transcript of Ethel Lindsey, taken on December 9, 2013.
17. Attached hereto as Exhibit 102 is a true and correct copy of excerpts of the deposition transcript of Thomas Massey, taken on October 28, 2013.
18. Attached hereto as Exhibit 103 is a true and correct copy of excerpts of the deposition transcript of Francisca Moline, taken on October 10, 2013.
19. Attached hereto as Exhibit 104 is a true and correct copy of excerpts of the deposition transcript of April Nessler, taken on November 7, 2013.
20. Attached hereto as Exhibit 105 is a true and correct copy of excerpts of the deposition transcript of Anthony Peragine taken on February 28, 2014.

21. Attached hereto as Exhibit 106 are true and correct copies of excerpts of the deposition transcripts of Digna Ruiz, Volume I taken on January 24, 2011; and Volume II taken on January 31, 2011.

22. Attached hereto as Exhibit 107 are true and correct copies of excerpts of the deposition transcript of Gladys R. Sanchez taken on February 12, 2014.

23. Attached hereto as Exhibit 108 is a true and correct copy of excerpts of the deposition transcript of Myra Schornstein taken on October 7, 2013.

24. Attached hereto as Exhibit 109 is a true and correct copy of excerpts of the deposition transcript of James Steffensen, taken on March 4, 2011.

25. Attached hereto as Exhibit 110 is a true and correct copy of excerpts of the deposition transcript of Lori Suomela, taken on January 17, 2014.

26. Attached hereto as Exhibit 111 is a true and correct copy of excerpts of the deposition transcript of Peggy A. Williams taken on February 6, 2014.

27. Attached hereto as Exhibit 112 is a true and correct copy of excerpts of the deposition transcript of Frederick Winfield, taken on February 15, 2011, as well as deposition exhibit 11.

28. Attached hereto as Exhibit 113 is a true and correct copy of excerpts of the deposition transcript of Rudy Wolter, taken on January 28, 2014.

29. Attached hereto as Exhibit 114 is a true and correct copy of CITI-WINFIELD 001325.

30. Attached hereto as Exhibit 115 is a true and correct copy of CITI-RUIZ 173533.

31. Attached hereto as Exhibit 116 is a true and correct copy of CITI-RUIZ 173540.

32. Attached hereto as Exhibit 117 is a true and correct copy of CITI-RUIZ 173550.

33. Attached hereto as Exhibit 118 is a true and correct copy of CITI-RUIZ 173562, which is designated confidential and will be filed under seal.

34. Attached hereto as Exhibit 119 is a true and correct copy of CITI-RUIZ 173583.

35. Attached hereto as Exhibit 120 is a true and correct copy of CITI-RUIZ 173645.

36. Attached hereto as Exhibit 121 is a true and correct copy of CITI-RUIZ 173650-51, which is designated confidential and will be filed under seal.

37. Attached hereto as Exhibit 122 is a true and correct copy of CITI-RUIZ 173772.

38. Attached hereto as Exhibit 123 is a true and correct copy of CITI-RUIZ 173967-68, which is designated confidential and will be filed under seal.

39. Attached hereto as Exhibit 124 is a true and correct copy of CITI-RUIZ 174021, which is designated confidential and will be filed under seal.

40. Attached hereto as Exhibit 125 is a true and correct copy of CITI-RUIZ 194739-41, which is designated confidential and will be filed under seal.

41. Attached hereto as Exhibit 126 is a true and correct copy of CITI-RUIZ 198143-44, which is designated confidential and will be filed under seal.

42. Attached hereto as Exhibit 127 is a true and correct copy of CITI-RUIZ 200782, which is designated confidential and will be filed under seal.

43. Attached hereto as Exhibit 128 is a true and correct copy of CITI-RUIZ 203261, which is designated confidential and will be filed under seal.

44. Attached hereto as Exhibit 129 is a true and correct copy of CITI-RUIZ 203486, which is designated confidential and will be filed under seal.

45. Attached hereto as Exhibit 130 is a true and correct copy of CITI-RUIZ 216586, which is designated confidential and will be filed under seal.

46. Attached hereto as Exhibit 131 is a true and correct copy of CITI-RUIZ 248738, which is designated confidential and will be filed under seal.

47. Attached hereto as Exhibit 132 is a true and correct copy of CITI-RUIZ 251527-28, which is designated confidential and will be filed under seal.

48. Attached hereto as Exhibit 133 is a true and correct copy of CITI-RUIZ 258248-49, which is designated confidential and will be filed under seal.

49. Attached hereto as Exhibit 134 is a true and correct copy of CITI-RUIZ 258394-95, which is designated confidential and will be filed under seal.

50. Attached hereto as Exhibit 135 is a true and correct copy of CITI-RUIZ 258695, which is designated confidential and will be filed under seal.

51. Attached hereto as Exhibit 136 is a true and correct copy of the Declaration of Geoff Hammond dated June 16, 2014.

52. On August 30, 2013, I sent a letter to Plaintiffs' counsel asking them to supplement their interrogatory responses, including but not limited to Interrogatory Nos. 2 and 3 relating to the number of uncompensated hours they claimed to have worked and estimation of damages.

53. Attached hereto as Exhibit 137 is a true and correct copy of a letter dated August 30, 2013 from myself to Plaintiffs' counsel.

54. On September 25, 2013 Plaintiffs' counsel sent an email refusing to so supplement their responses, stating: "In response to your letter, dated August 30, 2013, Opt-in Plaintiffs stand on their responses to Defendant's Interrogatories, including Interrogatories 2 and 3."

55. Attached hereto as Exhibit 138 is a true and correct copy of an email from Plaintiffs' counsel to me dated September 25, 2013.

I declare under the penalty of perjury that the foregoing is true and correct.

/s/Thomas A. Linthorst

Thomas A. Linthorst

Executed on this 20th day of June, 2014.